

IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE - S/S Monumental Road, 200' +/- E of Spring Road (2116 Monumental Road) 13th Election District 1st Councilmanic District

\* BEFORE THE \* ZONING COMMISSIONER \* OF BALTIMORE COUNTY \* Case No. 89-203-SPHA

E & S Holding Company  
Petitioner

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve the storage of equipment within 100 feet of a residential zone as accessory to a permitted use in a M.L. zone, and variances to permit a front yard setback of 18 feet in lieu of the required 75 feet; side yard setbacks of 8 feet each in lieu of the required 50 feet for both; and a rear yard setback of 8 feet in lieu of the required 50 feet, as more particularly described in Petitioner's Exhibit 1.

The Petitioner, by James L. Schneider, appeared, testified and was represented by S. Eric DiNenna, Esquire. Also appearing on behalf of the Petition were Brian Jones, Registered Professional Engineer. Appearing as Protestants in the matter were Mrs. Radcliffe and Mrs. Vaughn of Oak Park Kennels, Inc., adjoining property owner.

Testimony indicated that the subject property, known as 2116 Monumental Road, is zoned M.L.-I.M. and is improved with a combination office space and warehouse building. Petitioner proposes utilizing a 4,700 sq.ft. of the subject property along Monumental Road for the storage of company trucks, and expanding a storage area at the rear of the property to provide additional storage space for equipment and materials such as concrete block, cement mixers, rebar and lumber used in its construction and repair business. Mr. Schneider testified the Petitioner repairs and

rehabilitates large concrete structures, including, but not limited to, office/warehouse buildings, parking garages and bridges. The business requires considerable storage space for equipment and materials used in the restoration of such structures. Mr. Schneider further testified in his opinion the proposed storage areas are accessory uses to Petitioner's construction business. In his opinion the subject property should not be considered a construction equipment storage yard. Testimony presented indicated no cranes, bulldozers, or other large trucks will be stored on the premises. Further testimony indicated that the requested variances are required due to the proximity of the proposed storage areas to adjoining residentially zoned property. Testimony indicated that landscaping will be provided along all D.R. 5.5 boundary lines and that the entire storage area will be surrounded with a chain link fence. Presently, a chain link fence extends around the existing storage area at the rear of the subject property.

The Protestant's main concern involves the existing gravel driveway which presently provides access to both the Petitioner's property and the adjoining property owned by the Protestant. The Protestant's witnesses claim the subject driveway is the access/service route for Pet Park, Inc., formerly known as Oak Park Kennels. Further testimony presented by both Mrs. Radcliffe and Mrs. Vaughn indicated they object to the proposed 4,700 sq.ft. storage area, claiming Petitioner's employees are currently parking their trucks there and leaving trash and debris which is ultimately windblown over onto their property. Testimony indicated the Protestant does not object to the proposed use of the subject property but merely wants the property maintained in a clean and orderly fashion.

-2-

Petitioner seeks relief pursuant to Section 500.7 and from Section 255.2, pursuant to Section 307, of the Baltimore County Zoning Regulations (B.C.Z.R.).

The Petitioner's witness argues its use of the subject property constitutes an outdoor warehouse. He claims his use is not a construction equipment storage yard, which is clearly permitted in the M.L. zone. Although Section 253.1.B.3 of the M.L. zone regulations permits a construction equipment storage yard within the M.L. zones, Section 253.4 of said regulations does not permit such use to exist within 100 feet of a residential zone line. This is true because Section 241.1 does not include construction-equipment storage yards as a principal use permitted as of right.

Further, Petitioner claims its use of the subject property is accessory to its construction business. While it is true that a construction equipment storage yard is customarily incident to a construction business, the use proposed is not subordinate in area, scope or purpose to the principal use of the subject property as set forth in Petitioner's Exhibit 1. The use simply does not comply with the definition of an accessory use. It is clear the use proposed is a principal use, namely, a construction equipment storage yard as listed in the M.L. zone regulations, and therefore, must be recognized as such when evaluating the variances requested.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

-3-

- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if a variance is granted for the storage area to the rear of the subject property, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare and should therefore be granted in part. However, to grant any variances for the proposed 4700 sq.ft. storage area fronting on Monumental Road would have an adverse impact upon the residential uses in the vicinity. Therefore, the variances requested for this portion of the property should be denied.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested, as hereinafter modified, shall be granted with restrictions as more fully described below.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18th day of January, 1989 that the Petition for Special Hearing to approve the storage of equipment within 100 feet of a residential zone as accessory to a permitted use in a M.L. zone, and the Petition for Zoning Variance to permit a front yard setback of 18 feet in lieu of the required 75 feet; side yard setbacks of 8 feet each in lieu of the required 50 feet for both; and a rear yard setback of 8 feet in lieu of

-4-

#### PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-203-SPHA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve and determine if storage of equipment within 100 feet of residential zone is accessory to a permitted use in a M.L. zone.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	E & S Holding Company
Signature	By: <i>[Signature]</i>
Address	(Type or Print Name)
City and State	Signature
Attorney for Petitioner:	
S. Eric DiNenna	2116 Monumental Road
(Type or Print Name)	Address Phone No.
Signature	Baltimore, Maryland 21227
Address	City and State
409 Washington Ave., Suite 600	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Towson, Maryland 21204	S. Eric DiNenna
City and State	Name
Attorney's Telephone No.: 226-6820	409 Washington Ave., Suite 600, 21204
	Address Phone No. 296-6820

ORDERED By The Zoning Commissioner of Baltimore County, this 14th day of January, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 6th day of December, 1988, at 2 o'clock P.M.

*[Signature]*  
Zoning Commissioner of Baltimore County.

E.C.O.-36.1 (over)

the required 50 feet, in accordance with Petitioner's Exhibit 1, be and are hereby DENIED; and,

IT IS FURTHER ORDERED that variances to permit an east and west side yard setback of 25 feet each in lieu of the required 50 feet, and a south side (rear yard) setback of 25 feet in lieu of the required 50 feet for an outdoor storage area at the rear of the subject property, be and are hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) The Petitioner shall provide a planting strip along all residentially zoned property lines, including, but not limited to, the entire west side, the entire rear side, and part of the east side of the subject property. A landscaping plan shall be developed and submitted for approval by the Landscaping Planner in the Office of Current Planning by no later than March 30, 1989. Thereafter, a copy of the approved plan shall be submitted for acceptance by the Zoning Commissioner to become a permanent part of the record.

3) The Petitioner shall provide fencing around the entire property except for that portion fronting on Monumental Road and the first 50 feet of the property south of Monumental Road along the boundary (access driveway) shared by the Petitioner and the Protestant. The exterior placement of the fence shall be determined by the Landscaping Planner. Said fencing shall be provided in accordance with the following specifications:

- a) Fabric Material -
  - 1) Vinyl coated steel chain link fabric in accordance with ASTM - 608 - type 2B.
  - 2) Steel core wire shall be galvanized in accordance with ASTM - 641 - 71A.
  - 3) Color shall be a dark, earth tone.
  - 4) The fabric type shall be:

-5-

- a) Standard industrial type;
  - b) 2" +/- 1/8";
  - c) 9 gauge
  - d) 0.148" core wire diameter
  - e) 1,290 lbs. breakload

5) The fabric selvage shall be knuckled on the top and bottom.

b) Post and Framing - All steel parts shall be hot-dipped galvanized as per ASTM, prior to vinyl coating. Thickness of vinyl coating shall be 10-14 mills applied by fusion bonding.

c) Slating Specifications -

P.D.S. (Privacy Decorative Slating) or equal. 0.951 density polyethylene hollow rectangular tube that fits snugly into the save of chain link fabric. The melt index value is .35/40 environmental stress crack resistance (ESCR). The low temperature brittle point is -76 degrees Fahrenheit.

4) There shall be no exterior lighting on the outdoor storage area.

5) There shall be no outside paging systems.

6) The parking lot shall be paved with a crusher run surface which shall be treated twice a year in accordance with DEPM Article 10.18.03.D to prevent particular matter from becoming airborne. Petitioner shall maintain permanent records which establish that the required treatments have taken place in each of the required years from the date of this order until the subject use ceases on the subject property. Such records shall be made available on demand for inspection by the Zoning Enforcement Division of the Office of Zoning.

*[Signature]*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
887-3353

J. Robert Haines  
Zoning Commissioner

January 18, 1989

S. Eric DiNenna, Esquire  
409 Washington Avenue, Suite 600  
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE  
S/S Monumental Road, 200' +/- E of Spring Road  
(2116 Monumental Road)  
13th Election District - 1st Councilmanic District  
E & S Holding Company - petitioner  
Case No. 89-203-SPHA

Dear Mr. DiNenna:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The relief requested in the Petitions for Special Hearing and Zoning Variance, as modified herein, have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

*[Signature]*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

cc: Mrs. Radcliffe and Mrs. Vaughn  
c/o Pet Park, Inc., 2133 Monumental Road, Baltimore, Md. 21227

People's Counsel

File



# 67 **PETITION FOR ZONING VARIANCE** TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

89-203-SPHA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 255.2 to permit front side set back of 18' in lieu of 75' side yard set back of 8' in lieu of 50' rear yard set back of 8' in lieu of 50'; side yard set back of 8' in lieu of 50'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

- 1) Shape and topography of property
- 2) Other hardships and difficulty to be presented at Hearing

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: \_\_\_\_\_ Legal Owner(s): \_\_\_\_\_  
(Type or Print Name) (Type or Print Name)  
By: \_\_\_\_\_ Signature \_\_\_\_\_  
Address \_\_\_\_\_ (Type or Print Name)  
City and State \_\_\_\_\_ Signature \_\_\_\_\_  
City and State \_\_\_\_\_  
Attorney for Petitioner: \_\_\_\_\_  
(Type or Print Name) \_\_\_\_\_  
Signature \_\_\_\_\_  
Address \_\_\_\_\_  
City and State \_\_\_\_\_  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
\_\_\_\_\_ Name \_\_\_\_\_  
\_\_\_\_\_ Address \_\_\_\_\_  
\_\_\_\_\_ City and State \_\_\_\_\_  
Attorney's Telephone No.: \_\_\_\_\_  
\_\_\_\_\_

ORDERED By The Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the \_\_\_\_\_ day of \_\_\_\_\_, 1988, at \_\_\_\_\_ o'clock \_\_\_\_\_ P.M.

ESTIMATED LENGTH OF HEARING \_\_\_\_\_  
AVAILABLE FOR HEARING \_\_\_\_\_  
MON./TUES./WED. - NEXT TWO MONTHS  
ALL \_\_\_\_\_  
REVIEWED BY \_\_\_\_\_ DATE \_\_\_\_\_

# 67 **WHITNEY BAILEY COX MAGNANI** Consulting Engineers

1850 York Road  
Timonium, Maryland 21093  
(301) 252-4000

August 30, 1988

## **DESCRIPTION OF PROPERTY** TO ACCOMPANY SPECIAL HEARING/VARIANCE 2116 MONUMENTAL ROAD

All that parcel of land in the thirteenth election district of Baltimore County described as follows:

Beginning for the same at a point on the south side right-of-way line of Monumental Road 40 feet wide, said point of beginning being location south easterly 200 feet + distant from the centerline intersection of Spring Road as measured along the centerline of paving; thence from said point of beginning thence leaving said right-of-way line running the following seven courses VIZ: (2) S 33°08'42"W, 185.34 feet, (3) S 70° 07'58"W, 151.30 feet, (4) S 29° 00'00"W, 174.14 feet, (5) N 61°00'00"W, 207.97 feet, (6) N 29°00'00"E, 418.02 feet, (7) N 61°00'00"W, 15.00 feet, and (8) N 29°00'00"E, 83.74 feet to the point of beginning based on a boundary survey prepared by C. Brook Miller P.L.S. May 10, 1985.

Containing 2.967 acres of land more or less.

## **CERTIFICATE OF POSTING** ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

Directed: 13th \_\_\_\_\_ Date of Posting: November 16, 1988  
Posted for: \_\_\_\_\_  
Petitioner: E and S Holding Company  
Location of property: 2116 Monumental Road, 200' E of Spring Road  
(2116 Monumental Ave.)  
Location of Sign: In front of subject property at 2116 Monumental Ave.  
Remarks: \_\_\_\_\_  
Posted by: S. J. Asato \_\_\_\_\_ Date of return: November 18, 1988  
Number of Signs: 2

## **CERTIFICATE OF PUBLICATION**

TOWSON, MD, November 10, 1988  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Nov. 10, 1988

Arbutus Times  
THE JEFFERSONIAN,  
S. Zabe Olson  
Publisher

PO 05790  
NO 130414  
case 89-203-SPHA  
price 76.08

## **BALTIMORE COUNTY OFFICE OF PLANNING & ZONING**

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204  
Your petition has been received and accepted for filing this 14th day of September, 1988.

Petitioner: E & S Holding Co.  
Petitioner's Attorney: S. Eric DiNenna  
Received by: James E. Dyer  
Chairman, Zoning Plans Advisory Committee

## **BALTIMORE COUNTY, MARYLAND** OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

No. 52904  
DATE: August 16, 1988 ACCOUNT: 01-615-000  
AMOUNT: \$ 200.00/100  
RECEIVED FROM: E & S Holding Co. / S. Eric DiNenna  
FOR: Item No. 67 - Variance / Spf  
Accepted by: [Signature] / [Signature]  
VALIDATION OR SIGNATURE OF CASHIER

## **BALTIMORE COUNTY, MARYLAND** OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

No. 58993  
DATE: 12/6/88 ACCOUNT: R-01-615-000  
AMOUNT: \$ 91.08  
RECEIVED FROM: S. S. Holding  
FOR: P/A 12/6/88 hearing  
89-203-SPHA-7  
VALIDATION OR SIGNATURE OF CASHIER

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353

J. Robert Haines  
Zoning Commissioner  
2116 Monumental Road  
Baltimore, Maryland 21227

Re: Petitions for Special Hearing and Zoning Variance  
CASE NUMBER: 89-203-SPHA  
55 Monumental Avenue, 200' E of Spring Road  
(2116 Monumental Avenue)  
13th Election District - 1st Councilmanic  
Petitioner(s): E & S Holding Company  
HEARING SCHEDULED: TUESDAY, DECEMBER 6, 1988 at 2:00 p.m.\*

Gentlemen:

Please be advised that \$91.08 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not returned.

Very truly yours,

J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner of Baltimore County

CJH:gs  
cc: S. Eric DiNenna, Esq.  
File

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353

J. Robert Haines  
Zoning Commissioner

October 20, 1988

## **NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petitions for Special Hearing and Zoning Variance  
CASE NUMBER: 89-203-SPHA  
55 Monumental Avenue, 200' E of Spring Road  
(2116 Monumental Avenue)  
13th Election District - 1st Councilmanic  
Petitioner(s): E & S Holding Company  
HEARING SCHEDULED: TUESDAY, DECEMBER 6, 1988 at 2:00 p.m.\*

Variance to permit front side setback of 18' in lieu of 75'; side yard setback of 8' in lieu of 50'; rear yard setback of 8' in lieu of 50'; side yard setback of 8' in lieu of 50'. Special Hearing to determine if storage of equipment within 100' of residential zone is accessory to a permitted use in a ML zone.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner of Baltimore County

cc: E & S Holding Company  
S. Eric DiNenna, Esq.  
Ms. Margaret Ratliff  
George R. Light, MS 3404  
File

\*NOTE: IF PHASE II OF THE SLOW EMERGENCY PLAN IS IN EFFECT IN BALTIMORE COUNTY BY 8:30 a.m. ON THE DATE OF THE ABOVE HEARING, SUCH HEARING WILL BE POSTPONED AND TENTATIVELY RESCHEDULED FOR THURSDAY, JANUARY 12, 1989. PLEASE TELEPHONE DOCKET CLERK AT 494-3351 TO CONFIRM DATE.

## **BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE**

November 28, 1988

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

S. Eric DiNenna, Esquire  
409 Washington Avenue, Suite 600  
Towson, Maryland 21204

RE: Item No. 67 - Case No. 89-203-SPHA  
Petitioner: E & S Holding Company  
Petition for Special Hearing and Zoning Variance

Dear Mr. DiNenna:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:dt

cc: Whitney, Bailey, Cox & Magnani  
1850-C York Road  
Timonium, MD 21093

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 405  
Towson, Maryland 21204  
494-3554

October 11, 1988

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, MD 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 65, 67, 86, 87, 89, 90, 91 & 92.

Very truly yours,

Michael S. Flanigan  
Michael S. Flanigan  
Traffic Engineer Associate II

MSF:lhb



Baltimore County  
Fire Department  
Towson, Maryland 21204-2586  
494-4500

Paul H. Reincke  
Chief

September 12, 1988

J. Robert Haines, Zoning Commissioner  
Office of Planning & Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Re: Property Owner: E & S Holding Company

Location: S/S Monumental Avenue, 200' + E. of Spring Road  
2116 Monumental Avenue  
Item No.: 67 Zoning Agenda: Meeting of 9/13/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- ( ) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- (x) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John F. O'Neill* NOTED & APPROVED:  
Planning Group  
Special Inspection Division

/s/



Dennis F. Rasmussen  
County Executive

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: James E. Dyer DATE: August 22, 1988  
Zoning Supervisor

FROM: James H. Thompson  
Zoning Enforcement Coordinator

RE: Item No. 67  
Petitioner: E&S Holding Co.

VIOLATION CASE # 88-299-CV

LOCATION OF VIOLATION 2116 Monumental Road

DEFENDANT E&S Holding Co.

ADDRESS 2116 Monumental Road Baltimore, Maryland 21237

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME	ADDRESS
Margaret Ratliff	2133 Monumental Road Baltimore, MD 21237

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

ech/

RE: PETITION FOR VARIANCE & SPECIAL : BEFORE THE ZONING COMMISSIONER

HEARING  
S/S Monumental Ave., 200' + E of : OF BALTIMORE COUNTY  
Spring Rd. (2116 Monumental Ave.)  
13th Election District  
1st Councilmanic District

E & S HOLDING COMPANY, Petitioner Case No. 89-203-SPHA

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Phyllis Cole Friedman*  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

*Peter Max Zimmerman*  
Peter Max Zimmerman  
Deputy People's Counsel  
Room 304, County Office Building  
Towson, Maryland 21204  
494-2188

I HEREBY CERTIFY that on this 25th day of November, 1988, a copy of the foregoing Entry of Appearance was mailed to S. Eric DiNenna, Esquire, 406 Washington Ave., Suite 600, Towson, MD 21204, Attorney for Petitioner.

*Peter Max Zimmerman*  
Peter Max Zimmerman

STRUCTURAL  
PRESERVATION SYSTEMS, INC.  
2116 Monumental Road  
BALTIMORE, MARYLAND 21227

LETTER OF TRANSMITTAL

(301) 247-1800  
TO BALTIMORE COUNTY ZONING COMMISSIONER  
111 West Chesapeake Avenue  
Towson, MD 21204

DATE 4/17/89  
ATTENTION Mr. Robert Haines, Zoning Commissioner  
RE Case 89-203 SPHA  
Haines vs. E&S Holding Co.

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via \_\_\_\_\_ the following items:

- ☐ Shop drawings ☒ Prints ☐ Plans ☐ Samples ☐ Specifications  
☐ Copy of letter ☐ Change order ☐

COPIES	DATE	NO.	DESCRIPTION
1	4/5/89		Approved and signed Planting and Fencing Plan

RECEIVED  
APR 18 1989  
ZONING OFFICE

THESE ARE TRANSMITTED as checked below:

- ☐ For approval ☐ Approved as submitted ☐ Resubmit \_\_\_\_\_ copies for approval  
☒ For your use ☐ Approved as noted ☐ Submit \_\_\_\_\_ copies for distribution  
☒ As requested ☐ Returned for corrections ☐ Return \_\_\_\_\_ corrected prints  
☐ For review and comment ☐  
☐ FOR BIDS DUE \_\_\_\_\_ 19 \_\_\_\_\_ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS  
Submitted as per your order of January 18, 1989 in the above mentioned case to become a permanent part of the record.

COPY TO 2.0, 2.1

SIGNED: *David F. Dorsch, A.T.C.*  
Vice President

WHITNEY, BAILEY, COX & MAGNANI  
1850 York Road  
TIMONIUM, MARYLAND 21093

(301) 252-6060

TO *Baltimore County  
Office of the Zoning Commissioner  
County Office Building  
Towson Maryland 21204*

LETTER OF TRANSMITTAL

DATE *Aug 31, 1988* JOB NO. *28061-51*  
ATTENTION *John Sullivan*  
RE *E&S Holding Co.  
SPS Warehouse & Office  
2116 Monumental Ave*

WE ARE SENDING YOU ☐ Attached ☐ Under separate cover via \_\_\_\_\_ the following items:  
☐ Shop drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications  
☐ Copy of letter ☐ Change order ☐

COPIES	DATE	NO.	DESCRIPTION
10			<i>Prints of Plat to accompany petition for special hearing variance</i>
4			<i>Description of property to accompany special hearing variance</i>

THESE ARE TRANSMITTED as checked below:

- ☐ For approval ☐ Approved as submitted ☐ Resubmit \_\_\_\_\_ copies for approval  
☒ For your use ☐ Approved as noted ☐ Submit \_\_\_\_\_ copies for distribution  
☒ As requested ☐ Returned for corrections ☐ Return \_\_\_\_\_ corrected prints  
☐ For review and comment ☐  
☐ FOR BIDS DUE \_\_\_\_\_ 19 \_\_\_\_\_ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS *1. Prints and Descriptions have been reviewed per our letter of 8-30-88 and are in agreement.  
2. Proposed storage areas have been shown shaded on the plat.*

COPY TO *Mrs. Eric DiNenna, P.A.  
Mr. James L. Schneider*

SIGNED

DINENNA, MANN & BRESCHI  
ATTORNEYS AT LAW

S. ERIC DINENNA, P.A.  
JAMES L. MANN, JR., P.A.  
GEORGE A. BRESCHI, P.A.  
GERALDINE A. KLAUBER  
FRANCIS X. BORGERDING

SUITE 600  
MERCANTILE-TOWSON BUILDING  
409 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(301) 296-6820  
TELEFAX (301) 296-6884

RECEIVED  
AUG 4 1989

ZONING OFFICE

May 3, 1989

Zoning Commissioner for  
Baltimore County  
County Office Building  
Towson, Maryland 21204

RE: Case No. 670-88SP/T  
E & S Holding Company  
Case No. 88-299-CV  
Petition No. 89-203-SPHA

Dear Mr. Commissioner:

This is to advise that all matters concerning the above captioned matter have been complied with in reference to your Order dated January 18, 1989.

The only matter remaining is the acquisition of a permit for the fence which my clients indicate they will be acquiring very shortly.

Inasmuch as this matter is now set for trial before the District Court concerning zoning violation on July 5, 1989, it is my understanding that the county will enter a nol pros assuming the property owners comply with your Order of January 18, 1989.

Would you be so kind as to have your inspector conduct an inspection and advise me of his findings.

Thank you for your cooperation.

Very truly yours,

*S. Eric DiNenna*  
S. ERIC DINENNA

SED:gaw  
cc: Timothy Kotroco, Esquire  
E & S Holding Company c/o Mr. David Dorsch

DINENNA, MANN & BRESCHI  
ATTORNEYS AT LAW

S. ERIC DINENNA, P.A.  
JAMES L. MANN, JR., P.A.  
GEORGE A. BRESCHI, P.A.  
GERALDINE A. KLAUBER

SUITE 600  
MERCANTILE-TOWSON BUILDING  
409 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(301) 296-6820

August 16, 1988

Zoning Commissioner for Baltimore County  
County Office Building  
Towson, Maryland 21204

RE: E&S Holding Company  
Monumental Road

Dear Mr. Commissioner:

Enclosed herewith please find the Petition of E&S Holding Company for a Special Hearing, as well as for variances and the accompanying plats and description necessary for filing.

Enclosed herewith please find my check for covering the cost of filing.

Very truly yours,  
*S. Eric DiNenna*  
S. ERIC DINENNA

SED:cjc  
Enclosures  
cc: E & S Holding Company  
c/o James L. Schneider

5-8-89  
FROM THE DESK OF J. ROBERT HAINES

TO: *Ann Nastarowicz  
James E. Dyer  
W. Carl Richards  
James H. Thompson*

- See me immediately  
Discuss with me  
Prepare draft response  
Please follow up  
Collect \$20.00 fee  
Please handle  
Please attend meeting  
Prepare written report  
Please file  
Set up conference  
Other \_\_\_\_\_

IMPORTANT MESSAGE

FOR *Ann*  
DATE *Aug 4, 1989* TIME *4:20* A.M.  
WHILE YOU WERE OUT  
M *David Dorsch*  
OF *David Dorsch*  
PHONE NO. *247-1800*  
TELEPHONED \_\_\_\_\_ PLEASE CALL  
CALLED TO SEE YOU \_\_\_\_\_ WILL CALL AGAIN  
WANTS TO SEE YOU \_\_\_\_\_ RUSH  
RETURNED YOUR CALL ☒  
MESSAGE  
SIGNED  
11-4234

George R. Light  
Program Supervisor - Bureau of Air Quality Management

Baltimore County  
Department of Environmental Protection  
& Resource Management  
300 East Towson Boulevard  
Towson, Maryland 21204  
(301) 494-3775



Protestant 2



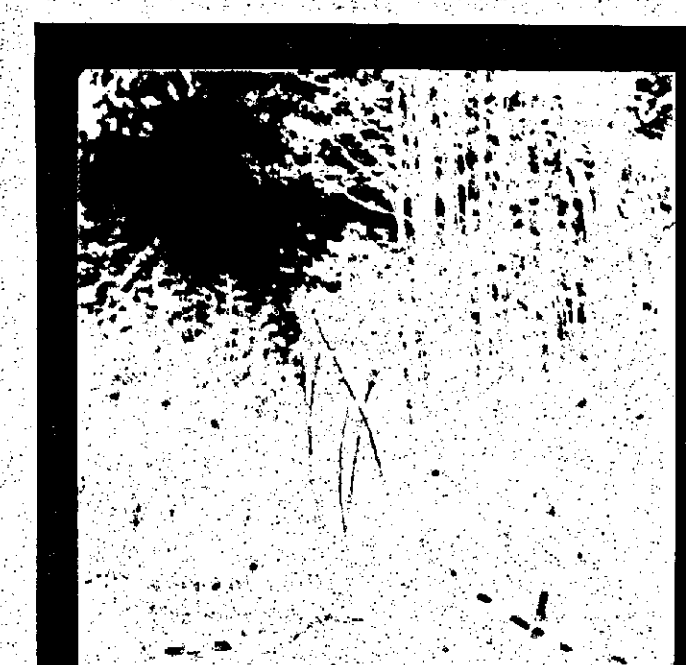
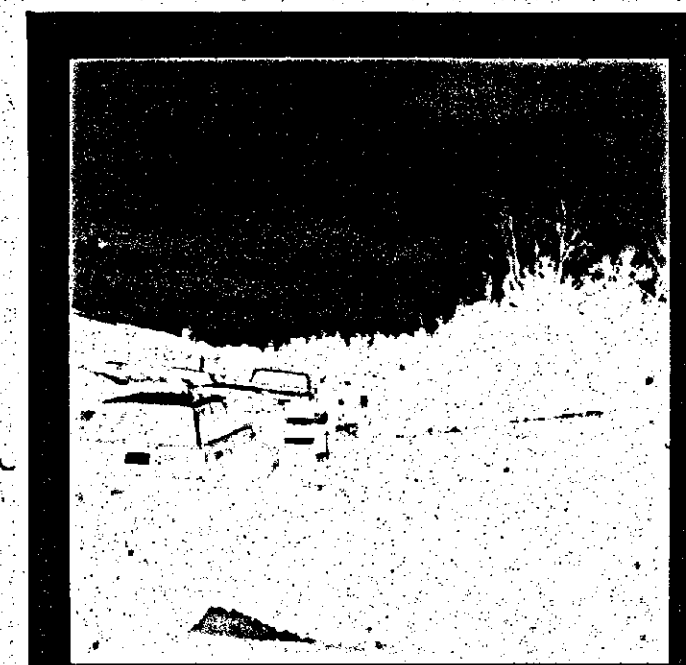
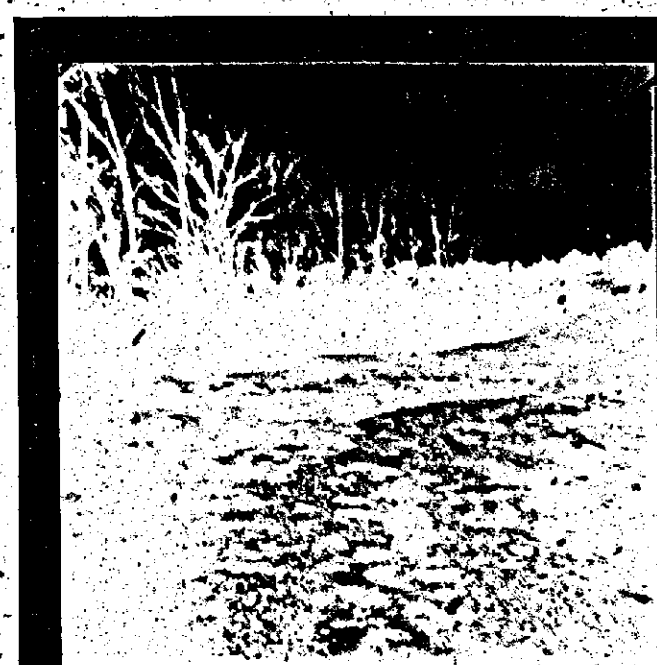
3-17-88



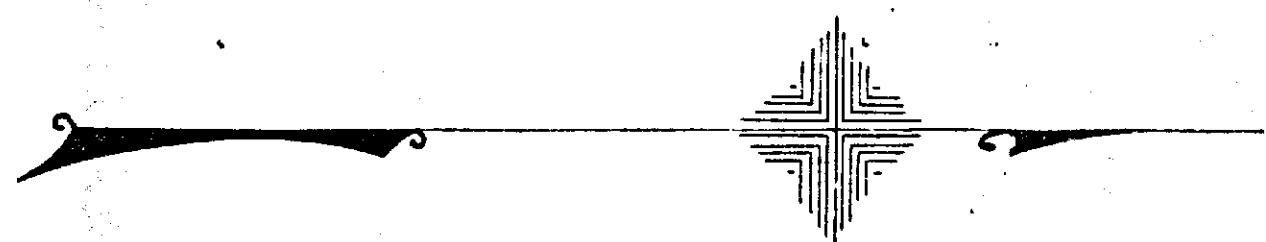
Protestant 2  
Structure 81



Protestant 2







I, Thomash. Disney, Surveyor, hereby  
 certify that I have subdivided for Joshua S. Hull  
 that parcel of land conveyed by C. W. Hull and  
 wife to the said Joshua S. Hull by Deed dated  
 Sept. 30, 1920, and Recorded in Liber W. P. C. No 530  
 folio 402 lying on the Southeast side of and fronting  
 Northwestly on the Washington Road, and that this  
 plat is a correct representation of the subdivision  
 for record See Liber folio of the land  
 records of Baltimore County and Plat book  
 No folio

Baltimore December 17, 1921.

Scale - 100 feet per inch



# OAK PARK ADDITION

Dec 17/23

Scale 1" = 100'

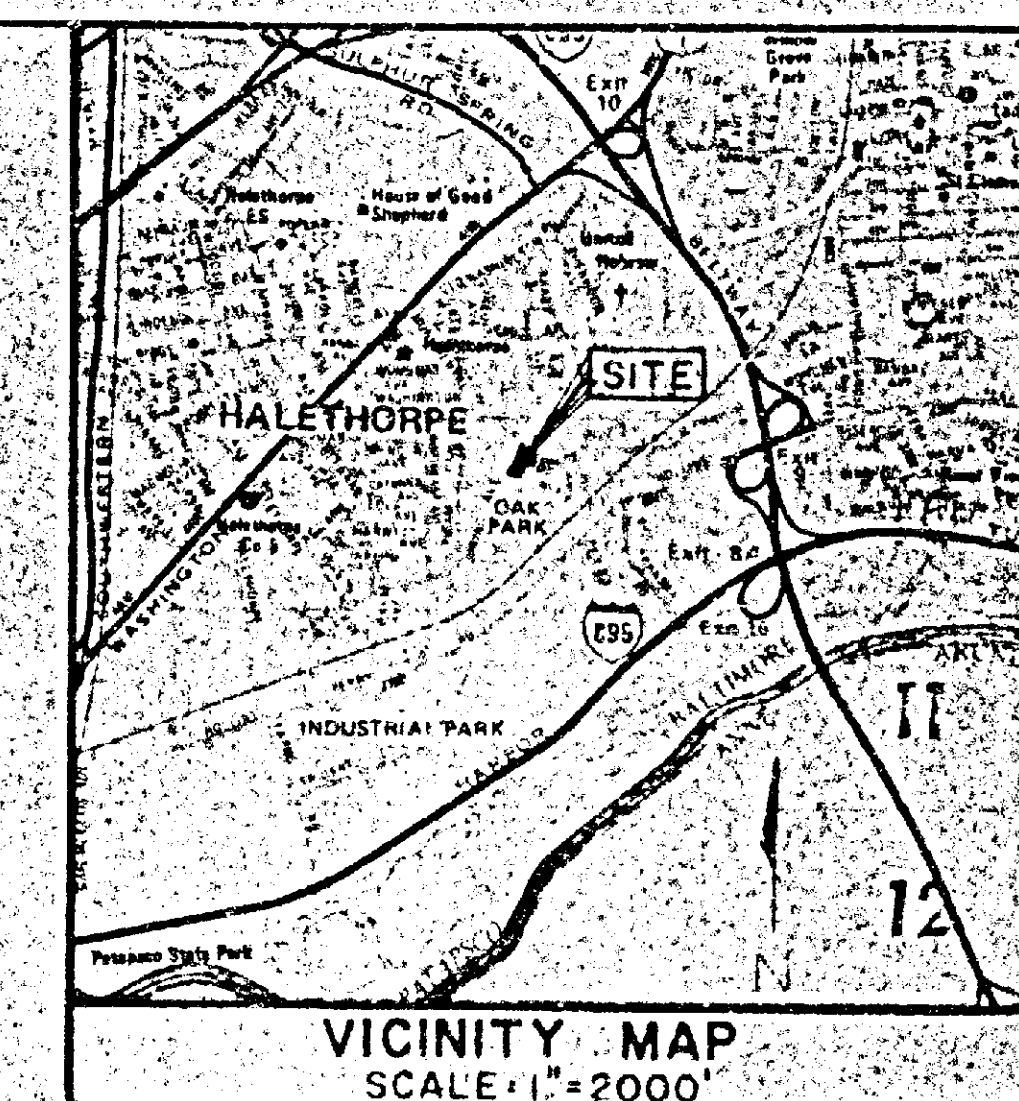
Thos. H. Disney, Svr.  
 Dec. 17, 1921

Filed for record July 24, 22  
 Not: Atty Genl Clerk

Lots for Sale by  
 J. S. Hull  
 New Amsterdam Bldg.  
 Baltimore.

PROTESTANT'S  
 EXHIBIT 1

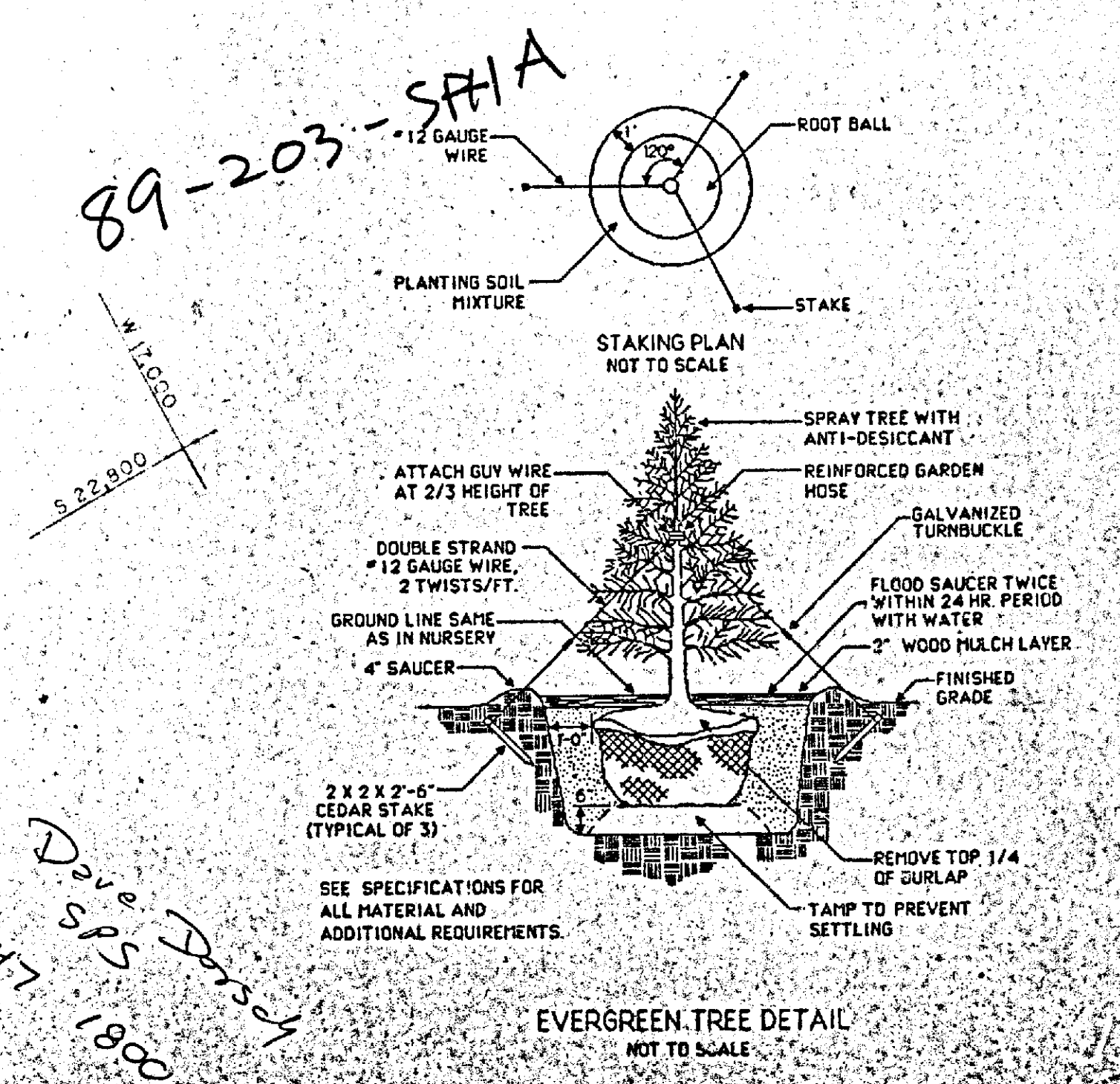




- GENERAL NOTES:
1. BENCHMARK ELEVATION 11.20 TOP OF MANHOLE  
4230.
  2. TURNING POINT ESTABLISHED BY  
EAST M. STUBBINS,  
SOUTHERN RAILWAY ENGINEER  
C. BROWN MILLER FLD.
  3. ELECTION DISTRICT 13
  4. EXISTING ZONING OF PROPERTY: ML-1M
  5. AREA OF PROPERTY: GROSS: 2.976 Ac.  
NET: 2.000 Ac.

"I certify that I have reviewed this Final Landscape Plan, that I am aware of the landscape regulations presented in the Baltimore County Landscape Manual, latest edition, and I agree to comply with these regulations and all applicable policy, guidelines, and ordinances. I agree to implement this plan within one year of approval by Baltimore County."

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_  
(Print Name) \_\_\_\_\_



KEY	DIAM.	BOTANICAL NAME	COMMON NAME	SIZE	ROOT
BN	1/2"	White Birch	White Pine	3-4'	B & B
PR	1/2"	Red Birch	Amurian Pine	3-4'	B & B

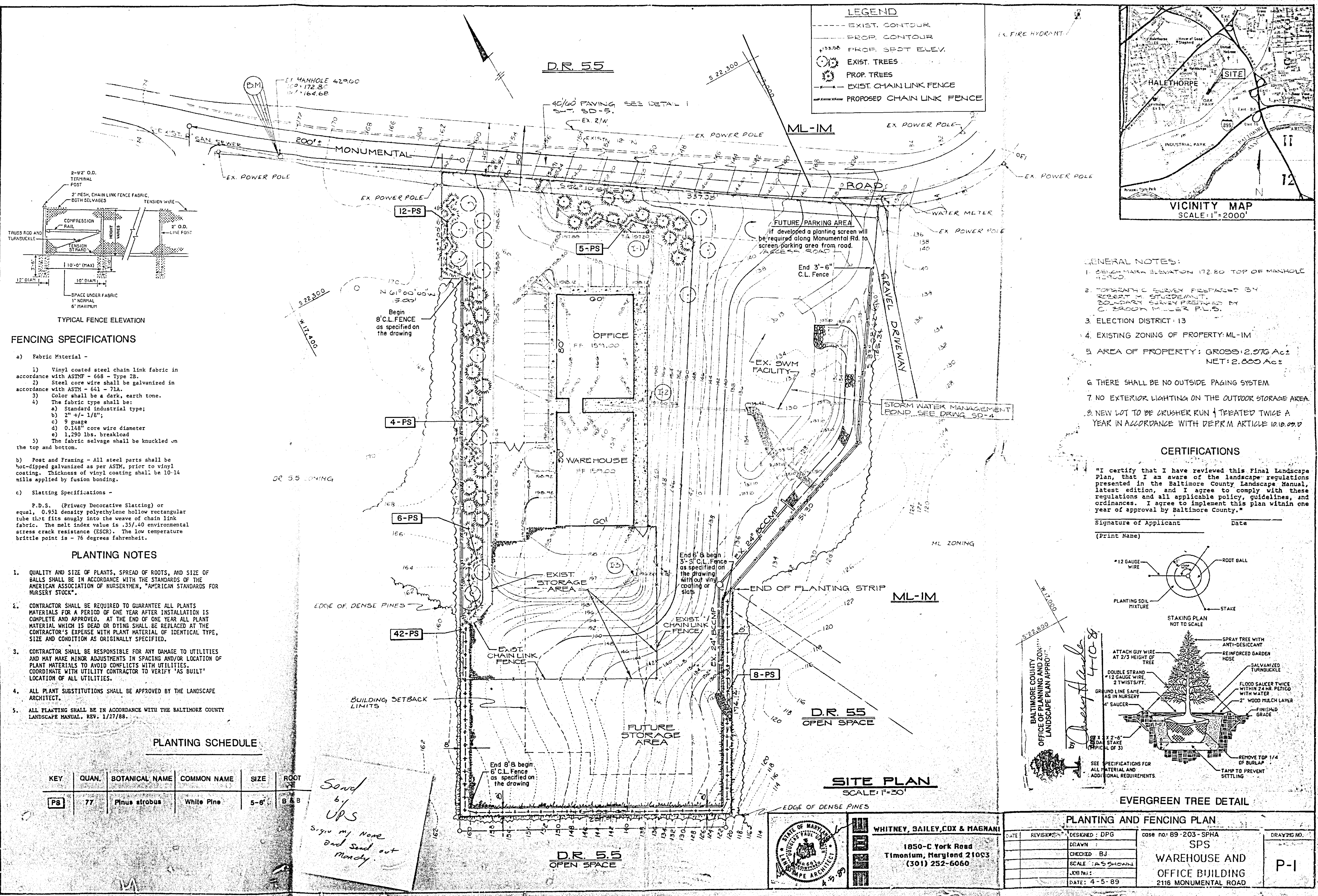
PLANTING AND FENCING PLAN			
DATE	REVISED	DESIGNED	DWG
1/1/78		DRAWN	
1/1/78		CHECKED	OPS
1/1/78		SCALE	1" = 3' DRAWING
1/1/78		JOB NO.	
1/1/78		DATE	5-19-99

SPS  
WAREHOUSE AND  
OFFICE BUILDING  
2116 MONUMENTAL ROAD

P-1

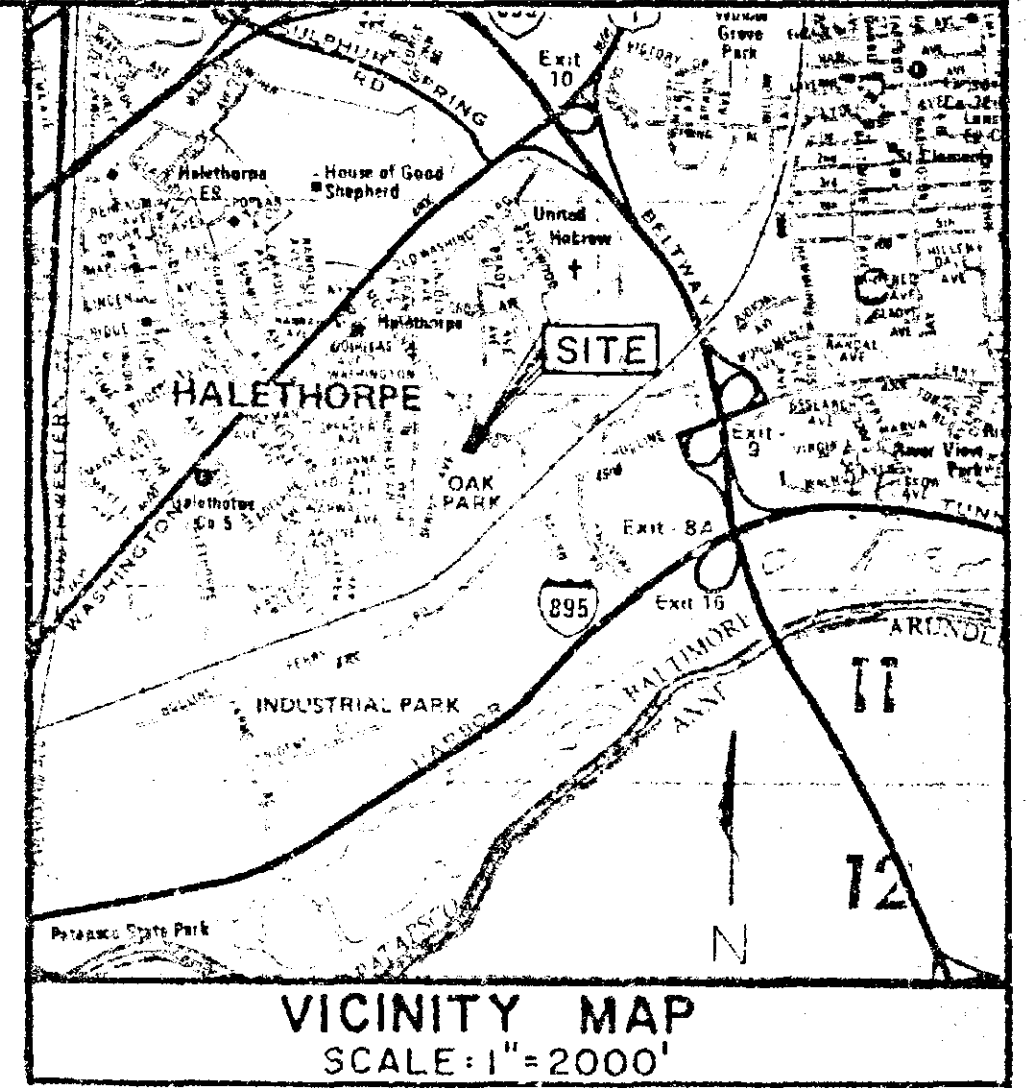
**WHITNEY, BAILEY, COX & MAGNAN**  
1850-C York Road  
Timonium, Maryland 21093  
(301) 252-5050





**LEGEND**

- EXIST. CONTOUR
- PROP. CONTOUR
- PROP. SPOT ELEV.
- ⊙ EXIST. TREES
- ⊙ PROP. TREES
- EXIST. CHAIN LINK FENCE
- PROPOSED CHAIN LINK FENCE

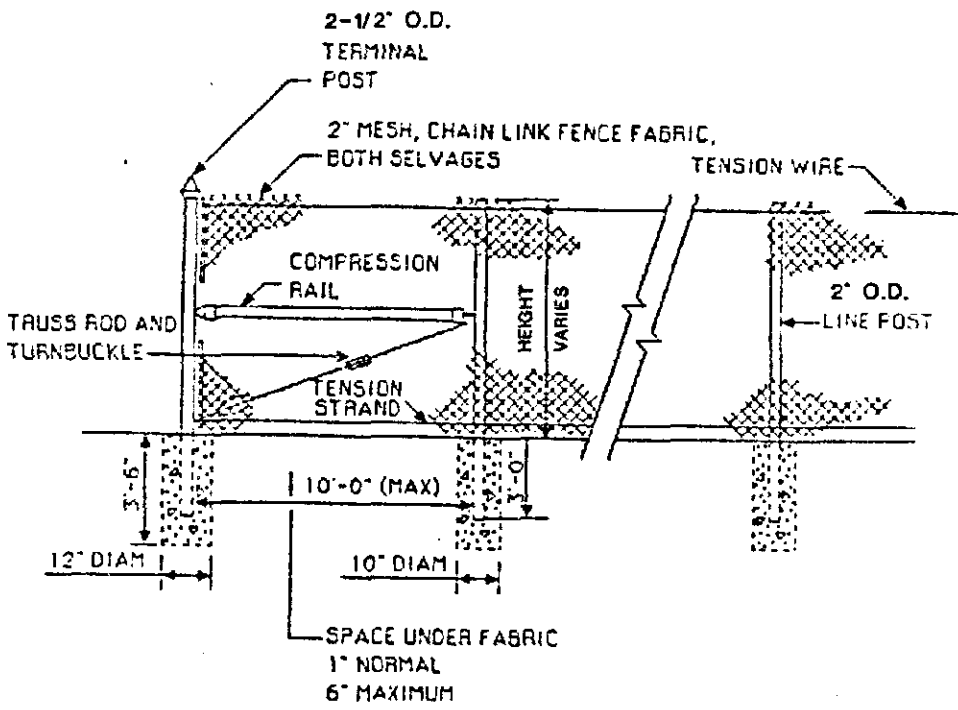
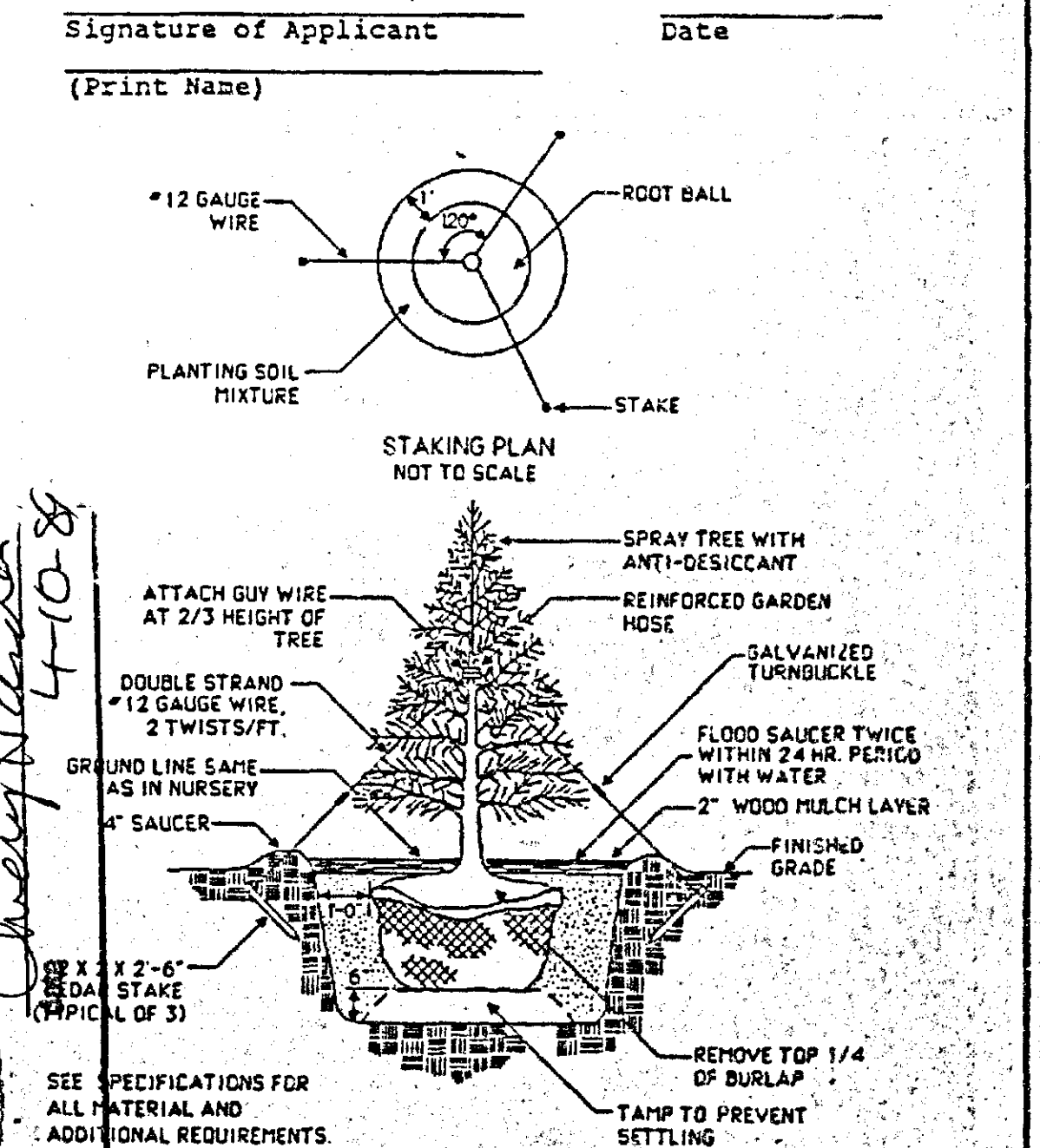


- GENERAL NOTES:**
1. BENCH MARK ELEVATION 172.80 TOP OF MANHOLE 42900.
  2. TOPOGRAPHIC SURVEY PREPARED BY ROBERT M. STUDEBAULT. BOUNDARY SURVEY PREPARED BY C. BROOK MILLER P.L.S.
  3. ELECTION DISTRICT: 13
  4. EXISTING ZONING OF PROPERTY: ML-IM
  5. AREA OF PROPERTY: GROSS: 2.976 Ac.; NET: 2.800 Ac.
  6. THERE SHALL BE NO OUTSIDE PAGING SYSTEM.
  7. NO EXTERIOR LIGHTING ON THE OUTDOOR STORAGE AREA.
  8. NEW LOT TO BE CRUSHER RUN & TREATED TWICE A YEAR IN ACCORDANCE WITH DEPRM ARTICLE 10.10.09.D

**CERTIFICATIONS**

"I certify that I have reviewed this Final Landscape Plan, that I am aware of the landscape regulations presented in the Baltimore County Landscape Manual, latest edition, and I agree to comply with these regulations and all applicable policy, guidelines, and ordinances. I agree to implement this plan within one year of approval by Baltimore County."

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_  
(Print Name)



**FENCING SPECIFICATIONS**

- a) Fabric Material -
- 1) Vinyl coated steel chain link fabric in accordance with ASTM - 668 - Type 2B.
  - 2) Steel core wire shall be galvanized in accordance with ASTM - 641 - 71A.
  - 3) Color shall be a dark, earth tone.
  - 4) The fabric type shall be:
    - a) Standard industrial type;
    - b) 2" +/- 1/8";
    - c) 9 gauge
    - d) 0.148" core wire diameter
    - e) 1,290 lbs. breakload
  - 5) The fabric selva shall be knuckled on the top and bottom.
- b) Post and Framing - All steel parts shall be hot-dipped galvanized as per ASTM, prior to vinyl coating. Thickness of vinyl coating shall be 10-14 mils applied by fusion bonding.
- c) Slating Specifications -
- P.D.S. (Privacy Decorative Slating) or equal, 0.951 density polyethylene hollow rectangular tube that fits snugly into the weave of chain link fabric. The melt index value is .35/.40 environmental stress crack resistance (ESCR). The low temperature brittle point is - 76 degrees Fahrenheit.

**PLANTING NOTES**

1. QUALITY AND SIZE OF PLANTS, SPREAD OF ROOTS, AND SIZE OF BALLS SHALL BE IN ACCORDANCE WITH THE STANDARDS OF THE AMERICAN ASSOCIATION OF NURSERYMEN, "AMERICAN STANDARDS FOR NURSERY STOCK".
2. CONTRACTOR SHALL BE REQUIRED TO GUARANTEE ALL PLANTS MATERIALS FOR A PERIOD OF ONE YEAR AFTER INSTALLATION IS COMPLETE AND APPROVED. AT THE END OF ONE YEAR ALL PLANT MATERIAL WHICH IS DEAD OR DYING SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE WITH PLANT MATERIAL OF IDENTICAL TYPE, SIZE AND CONDITION AS ORIGINALLY SPECIFIED.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES AND MAY MAKE MINOR ADJUSTMENTS IN SPACING AND/OR LOCATION OF PLANT MATERIALS TO AVOID CONFLICTS WITH UTILITIES. COORDINATE WITH UTILITY CONTRACTOR TO VERIFY 'AS BUILT' LOCATION OF ALL UTILITIES.
4. ALL PLANT SUBSTITUTIONS SHALL BE APPROVED BY THE LANDSCAPE ARCHITECT.
5. ALL PLANTING SHALL BE IN ACCORDANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL, REV. 1/27/88.

**PLANTING SCHEDULE**

KEY	QUAN.	BOTANICAL NAME	COMMON NAME	SIZE	ROOT
PS	77	Pinus strobus	White Pine	5'-6"	B & B

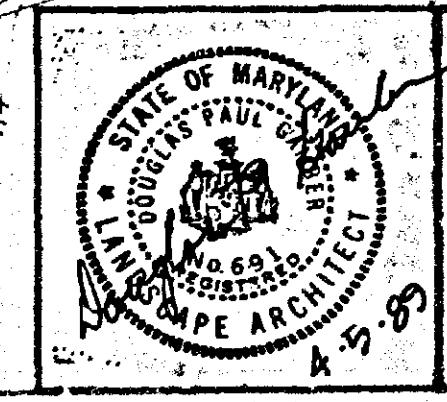
*Send  
by  
UPS  
Sign my Name  
and send out  
Mandy.*

**PLANTING AND FENCING PLAN**

DESIGNED: DPG  
DRAWN: [blank]  
CHECKED: BJ  
SCALE: AS SHOWN  
DATE: 4-5-89

case no: 89-203-SPHA  
SPS  
WAREHOUSE AND  
OFFICE BUILDING  
2116 MONUMENTAL ROAD

DRAWING NO.  
**P-1**



**WHITNEY, BAILEY, COX & MAGNANI**  
1850-C York Road  
Timonium, Maryland 21053  
(301) 252-6060